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C O N F I D E N T I A L SECTION 01 OF 02 SOFIA 000642

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SUBJECT: BULGARIA: TARNISHED JUDICIARY STARTS TO CLEAN HOUSE

REF: SOFIA 131

Classified By: CDA Susan Sutton for reasons 1.4 (b) and (d)

¶1. (C) Summary: Two members of the Supreme Judicial Council (SJC) and five recently promoted magistrates were forced to resign after they were discovered to have been in regular contact with a 27-year old disco owner, who claimed that he could secure high-level judicial appointments for USD 300,000. The prosecution office determined that the disco owner had been in contact with three SJC members, 18 applicants for high-level judiciary positions (five of whom were elected), and at least 30 sitting magistrates in the first half of 2009. While the public is outraged by the scandal, some are encouraged that the judiciary, with the new government's support, is finally cracking down on corruption.

End Summary.

DISCO FEVER: JUDICIAL SCANDAL HEATS UP

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¶2. (C) In May, the Supreme Judicial Council, the governmental organ empowered to appoint, promote, and dismiss magistrates, began a nation-wide initiative to replace the chairpersons of 162 local courts and prosecution services whose five-year terms had expired (see reftel). These chairpersons manage the courts and prosecution services and have the power to reassign judges and prosecutors from cases, a controversial practice that has led to charges of corruption, especially in organized crime cases. Public suspicion concerning the process erupted in June when a council member leaked to the press that 27-year old Krasimir Georgiev, a.k.a. Krassio, the owner of a disco in Northern Bulgaria, was claiming he could sway eight to 13 of the SJC votes needed to obtain a high-level judicial appointment in exchange for USD 300,000.

¶3. (SBU) A special SJC Committee set up in October to investigate Georgiev's links with magistrates found that over a period of three months, he spoke with SJC member Stoiko Stoev 212 times, Ivan Dimov 33 times, and a third SJC member once. On October 23 the SJC Committee ruled that Dimov and Stoev, a former member of the SJC standing committee on combating corruption and professional ethics, had damaged the prestige of the judiciary and violated the standards of ethical conduct, and requested their dismissal. Dimov and Stoev resigned shortly thereafter.

¶4. (SBU) In addition to these three SJC members, a total of 18 magistrates (ten judges and eight prosecutors) who ran for senior judicial positions earlier this year had also been in contact with Georgiev. Five of the 18 were eventually appointed as magistrates, and all five subsequently resigned following announcement of the results of the prosecutor's investigation. According to press reports, At least 30

sitting magistrates who were not up for appointments have also been in contact with Georgiev.

15. (SBU) In addition to the prosecutor general's office and the SJC committee's investigations of judicial appointments, the government is aggressively pursuing bribery cases. Prosecutor Georgi Velkov from Northeastern Bulgaria was arrested on October 21 for accepting a BGN 23,000 (USD 17,700) bribe, district court judge Yuri Marinov from Southwestern Bulgaria was caught accepting a BGN 24,000 (USD 18,500) bribe on October 19, and district court judge Georgi Veselinov was arrested for accepting a bribe of an undisclosed sum on October 9.

REACTION OF THE JUSTICE SYSTEM

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16. (C) On October 27, Ana Karaivanova, the head of the SJC's inspectorate unit, said that the resignations were indicative of the ability of the judiciary to police itself and proved that public pressure could make a difference. Karaivanova added that the magistracy must continue to clean house as its work is not finished. Justice Minister Popova also viewed the resignations as a good start and supported Chief Prosecutor Velchev's call for the SJC to cease appointing new magistrates until confidence in the council has been restored. On October 29, she used her power as ex officio Chairman of the SJC to suspend the appointment of new magistrates.

17. (C) Comment: For a cynical Bulgarian public accustomed to the judiciary being above the law, this scandal was welcome

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news, showing that corrupt judges and prosecutors can be exposed, forced to resign and in some cases face arrest. Bulgaria's highly independent judiciary is seen by many Bulgarians as one of the most corrupt and least accountable public institutions. The recent stream of arrests and resignations of high-level judicial officers has shown the new government to be more willing to pressure the judiciary for reform and far less tolerant of corruption than its predecessors. Cleaning house inside the SJC is particularly critical to the overall reform of the Bulgarian judicial system. With its powers to appoint, promote, and dismiss judges and prosecutors, corruption in the council can quickly spread throughout the system. End Comment.

SUTTON